

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CEDRIC M. WRIGHT,

Plaintiff,

v.

FRANCIS SLAY, et al.,

Defendants.

Case No. 12-CV-107-AGF

**DEFENDANTS SLAY, IRWIN, BATTLE-TURNER, GRAY & ISOM'S
FIRST SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
TO DEFENDANTS SLAY, IRWIN, BATTLE-TURNER, GRAY & ISOM**

Defendants Francis Slay, Thomas Irwin, Bettye Battle-Turner, Richard Gray, and Daniel Isom, by and through counsel, and for their first supplemental responses and objections to Plaintiff's request for production of documents, states as follows:

Definitions and Instructions

Defendants incorporate the General and Specific Objections set forth in their Answers and Objections to Plaintiff's First Set of Interrogatories to Defendants Slay, Irwin, Battle-Turner, Gray & Isom.

REQUESTS

14. Identify and attach any and all audio, video and/or digital recordings of the Cedric Maurice Wright, at any time, including but not limited to those from patrol cars or other vehicles.

RESPONSE:

Objection. Defendants object that this request is overbroad, vague, and not sufficiently limited in time or scope to the allegations contained in the Complaint. Defendants further object that this request seeks information that is confidential and shielded from disclosure by § 610.021, RSMo.

Subject to and without waiving the foregoing objection, defendants respond as follows:

See attached CD containing video and recorded audio footage from the in-car camera on August 20, 2011, bates labeled Wright 772.

15. Identify and attach all non-privileged documents generated by the SLMPD (including emails) between August 20, 2011 and October 20, 2011 bearing the name Cedric Maurice Wright, Cedric M. Wright, Corey D. Leonard, and/or Corey Darmel Leonard, or those documents generated since October 20, 2011 relating to the arrest, booking, detention, transfer, release, or incarceration of Cedric Maurice Wright, Cedric M. Wright, Corey D.

Leonard, and/or Corey Darmel Leonard between August 20, 2011 and October 20, 2011.

RESPONSE:

Objection. Defendants object that this request is overbroad and vague. Defendants further object that this request seeks information that is confidential and shielded from disclosure by § 610.021, RSMo.

Subject to and without waiving the foregoing objection, defendants respond as follows:

See attached email sent from SLMPD's Reports Administrator on August 21, 2011 and attachment, bates labeled Wright 791-794; email received by SLMPD on August 22, 2011 and attachment, bates labeled Wright 795-859; and page 18 of the Confined Prisoners Listing for Docket Date of 8/22/11 related to Cedric Wright, bates labeled Wright 1071, which are being produced subject to this Court's protective order.

23. Identify and attach all documents referring or relating to any and all persons who have been detained or incarcerated or arrested for any length of time by the SLMPD based upon a warrant and or warrants where those persons were later found not to be the wanted subject under said warrant and/or warrants, from August 20, 2006 to the present.

RESPONSE:

Objection. Defendants object that this request is overbroad in that it seeks “all documents referring or relating to any and all persons...detained or incarcerated or arrested...for the last six years” and it is unduly burdensome. Defendants further object that this request as it seeks information that is confidential and shielded from disclosure by § 610.021, RSMo.

Subject to and without waiving the foregoing objection, defendants respond as follows:

Defendants do not possess a list of persons who were arrested based upon a warrant or warrants and later were found not to be the wanted subject under the warrant or warrants. However, for documents that refer to or relate to a question as to the identity of an arrestee, see attached Fingerprint Orders and responses from 2007, 2008, 2009, 2011, and 2012, bates labeled Wright 860-1070; and CD containing Alias Notification Emails, from 2008 to February 2013, bates labeled Wright 1348-49113, which are being produced pursuant to this Court’s protective order.

Due to the extreme financial and time burdens associated with SLMPD personnel initiating a new search for Fingerprint Orders and responses, which are electronically stored, and due to the availability of certain existing paper records, Defendants are producing unredacted copies of the Fingerprint

Orders and responses that were provided in a redacted version as a response to a 2012 request for open records from the media.

24. Identify and attach all complaints received by SLMPD from August 20, 2006 to the present wherein the complainant alleged that s/he had been incorrectly arrested/detained due to misidentification by the SLMPD.

RESPONSE:

Objection. Defendants object that this request is overbroad and vague as to the word “complaints.” Defendants further object that this request as it seeks information that is confidential and shielded from disclosure by § 610.021, RSMo.

Subject to and without waiving the foregoing objections, Defendants respond as follows:

See Complaint filed by Cedric Wright on January 19, 2012 in Case No. 4:12CV107AGF; Complaint filed by Travis Jones on July 6, 2012 in Case No. 4:12CV1220ERW; Complaint filed by Dwayne Jackson on August 20, 2012 in Case No. 4:12CV1444TCM.

The Internal Affairs Division did not receive any citizen complaints or internal complaints regarding “the failure, or alleged failure, of SLMPD to properly identify an individual in custody” between 2007 and 2012.

27. Identify and attach all non-privileged notes, memoranda and documents of any kind relating to or reflecting any internal or external investigations or any internal communication by SLMPD officials or employees or agents regarding complaints or grievances made by officers, employees, or persons incarcerated/detained regarding misidentification by the SLMPD, from August 20, 2006 to the present.

RESPONSE:

Objection. Defendants object that this request is overbroad and vague as to the words “complaints” or “grievances.” Defendants further object that this request seeks information that is confidential and shielded from disclosure by § 610.021, RSMo.

Subject to and without waiving the foregoing objections, Defendants respond as follows:

See Email from Sergeant Andrew Crews regarding prisoner identification, 8/3/12, bates labeled Wright 667-670, which was produced with Defendants’ Responses to Plaintiff’s First Requests for Production on September 20, 2012.

For documents that refer to or relate to a question as to the identity of an arrestee, see attached Fingerprint Orders and responses from 2007, 2008, 2009, 2011, and 2012, bates labeled Wright 860-1070; and CD containing Alias Notification Emails, from 2008 to February 2013, bates labeled Wright

1348-49113, which are being produced pursuant to this Court's protective order.

34. All documents provided by the SLMPD or its agent or employee to IBM, Inc. or received by the SLMPD or its agent or employee from IBM, Inc., as part of IBM's 2011 "Smarter Cities" Challenge.

RESPONSE:

Defendants do not have possession of any responsive documents other than the final version of IBM's Smarter Cities Challenge St. Louis Report.

35. All memoranda or plans adopted by SLMPD in response to IBM's 2011 "Smarter Cities" Challenge.

RESPONSE:

Defendants do not have possession of any responsive documents; however, see Defendants' answer to Interrogatory No. 13(g).

36. Minutes of any meetings whereby SLMPD discussed the recommendations contained in IBM's 2011 "Smarter Cities" Challenge.

RESPONSE:

Defendants do not have possession of any responsive documents.

Respectfully submitted,

CHRIS KOSTER

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CERTIFICATE OF SERVICE

A copy of the foregoing was placed in the U.S. mail, postage prepaid, this 12 day of June, 2013 to:

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